

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

H/HARRY HAMILTON,	:	
	:	
Plaintiff	:	CIVIL ACTION NO. 3:21-1971
	:	
v.	:	(JUDGE MANNION)
	:	
WALLER COUNTY	:	
TEXAS, et al.,	:	
	:	
Defendants	:	
	:	

ORDER

Pending before the court is the report of Magistrate Judge William I. Arbuckle which recommends that the plaintiff's complaint be dismissed without prejudice for the plaintiff's failure to either pay the filing fee to proceed with this action or submit a properly completed application to proceed *in forma pauperis*, after having been directed by the court to do so on two occasions (Doc. 7). The plaintiff has failed to file objections to Judge Arbuckle's report.

Where no objection is made to a report and recommendation, the court should, as a matter of good practice, satisfy itself that there is no clear error on the face of the record in order to accept the recommendation. Fed. R. Civ. P. 72(b), advisory committee notes; see also *Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F.Supp.2d 465, 469 (M.D.Pa. 2010) (citing *Henderson v.*

Carlson, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every report and recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. '636(b)(1); Local Rule 72.31.

Upon review, the court finds no clear error of record. Moreover, the court agrees with the sound reasoning which led Judge Arbuckle to his conclusions. The plaintiff was directed on two occasions to either pay the fee or submit the appropriate *in forma pauperis* forms. (Doc. 5, Doc. 6). He failed to do so, and has made no other filings in this matter. As such, the court will adopt Judge Arbuckle's report and recommendation as the decision of the court.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

(1)The report and recommendation of Judge Arbuckle (Doc. 7) is

ADOPTED IN ITS ENTIRETY AS THE DECISION OF THE COURT.

(2) The plaintiffs' complaint (Doc. 1) is DISMISSED WITHOUT PREJUDICE.

(3) The Clerk of Court is directed to **CLOSE THIS CASE.**

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

DATE: March 17, 2022

21-1971-01